

**LORD CORPORATION,**

**Plaintiff,**

**v.**

**S&B TECHNICAL PRODUCTS, INC.,**  
**TERRAMIX S.A., and MARK A. WEIH,**

**Defendants.**

On December 15, 2010, defendants filed a second motion for partial summary judgment on plaintiff's trademark and trade dress claims [D.E. 346]. On January 19, 2011, plaintiff responded to the motion [D.E. 373]. On February 2, 2011, defendants filed a reply [D.E. 405]. On February 28, 2011, the court referred the motion to Magistrate Judge Gates for a memorandum and recommendation. On July 29, 2011, Magistrate Judge Gates issued a Memorandum and Recommendation ("M&R") [D.E. 572]. In that M&R, Judge Gates recommended that defendants' motion be allowed. On August 9, 2011, plaintiff filed objections to the M&R [D.E. 580]. Defendants did not respond to the objections.

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The court has reviewed the M&R, the record, defendants' objections, and plaintiff's response to the objections. As for those portions of the M&R to which defendants made no objection, the court is satisfied that there is no clear error on the face of the record.

The court has reviewed de novo the portions of the M&R to which plaintiff objected. The court overrules the objections and adopts the conclusions in the M&R [D.E. 572]. Defendants' second motion for partial summary judgment on plaintiff's trademark and trade dress claims [D.E. 346] is GRANTED.

SO ORDERED. This 12 day of September 2011.

  
JAMES C. DEVER III  
United States District Judge